

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

SENTENCING MINUTE SHEET - CONTINUED

CR No.	05-1849 JH			USA vs.	Mistrzak		
Date:	October 2, 2008			Name of Deft:	Rafal Mistrzak		
Before the Honorable				Judith C. Herrera			
Time In/Out:	9:36 A.M. -9:42 A.M. (6 minutes)			Type of Proceeding:	Sentencing - Non Evidentiary		
Clerk:	I. Duran			Court Reporter:	P. Baca		
AUSA:	James R.W. Braun			Defendant's Counsel:	Rudolph Chavez		
Sentencing in:	Albuquerque, New Mexico			Interpreter:	None		
Probation Officer:	Anthony Galaz			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Superceding Indictment
If Plea:	<input type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
Date of Plea/Verdict:	February 21, 2007			PSR:	<input type="checkbox"/>	Not Disputed	<input type="checkbox"/> Disputed
PSR:	<input type="checkbox"/>	Court Adopts PSR Findings		Evidentiary Hearing:	<input type="checkbox"/>	Not Needed	<input type="checkbox"/> Needed
Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP):			
Supervised Release:				Probation:			500-Hour Drug Program
SPECIAL CONDITIONS OF SUPERVISION							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days		
<input type="checkbox"/>	Participate in substance abuse program/drug testing			<input type="checkbox"/>	Register as sex offender		
<input type="checkbox"/>	Participate in mental health program			<input type="checkbox"/>	Participate in sex offender treatment program		
<input type="checkbox"/>	No alcohol/liquor establishments			<input type="checkbox"/>	Possess no sexual material		
<input type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	No computer with access to online services		
<input type="checkbox"/>	No contact with co-Deft(s)			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	Restricted from occupation with access to children		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input type="checkbox"/>	OTHER: Standard Conditions:						
Fine: \$				Restitution: \$			
SPA: \$	(\$100 as to each Count)			Payment Schedule:	<input type="checkbox"/>	Due Immediately	<input type="checkbox"/> Waived
OTHER:							
<input type="checkbox"/>	Advised of Right to Appeal			<input type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input type="checkbox"/>	Held in Custody			<input type="checkbox"/>	Voluntary Surrender		
<input type="checkbox"/>	Recommended place(s) of incarceration:						
<input type="checkbox"/>	Dismissed Counts:						

OTHER COMMENTS	<p>Defense counsel introduces deft, deft's father & friend of deft; and expresses his desire to make a verbal argument for variance under Booker, without any documentation to support his argument. Ct. reminds defense counsel that documents should be filed in order that all parties can respond adequately to the deft's argument. Defense responds. Govt. requests that the all parties be allowed time to submit the necessary documentation in order to argue the defendant's motion for variance. Ct. continues sentencing to allow time for defense counsel to file his sentencing memo under Booker and allows time for the Govt. & Probation to respond.</p>
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